



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,711	01/09/2002	Deeb Daoud	22868.62	7396

26418 7590 06/03/2004

REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK, NY 10022-7650

EXAMINER

GHATT, DAVE A

ART UNIT PAPER NUMBER

2854

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AD

Office Action Summary	Applicati n No. 10/043,711	Applicant(s) DAOUD, DEEB	
	Examiner Dave A Ghatt	Art Unit 2854	

-- The MAILING DATE of this communication appears on the reverse with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang (US 5,307,267). As illustrated in Figures 1-3 and 6, and as outlined in columns 3 and 4, Yang teaches the claimed invention. Yang teaches a keyboard comprising a plurality of touch areas (keys), with each of the touch areas representing a symbol from a plurality of symbols. The touch areas are arranged in at least one of a plurality of groups. For example in Figure 6, each row or column illustrated by Yang, may be considered at least one of a plurality of groups. Yang also teaches touch areas (keys), wherein each of the groups includes touch areas that are arranged in a distinctive shape that incorporates one or more of the symbols or part of symbols. For example, each row or column of Yang's Figure 6 represents distinct shapes. Column 3 lines 13-23 teaches the functional requirement for a user to enter a symbol by touching a part of the distinctive shape that is recognized with the symbol.

With respect to claim 2, as outlined above, and as illustrated in Figures 1-4 and 6, Yang teaches touch areas that are keys.

Art Unit: 2854

With respect to claims 3-7, as illustrated in Figures 1-3 and 6, and as illustrated in the Tables within the text in columns 4, 7, 8, 9, 10, 11, 14, 15, 16, 19, and 20, Yang teaches symbols that are Latin letters, Hebrew letters, Arabic letters, Cyrillic letters, and Greek letters. The applicant should note that although Yang does not specifically mention Latin, Hebrew, and Cyrillic letters, the symbols illustrated (in Figures 1-3 and 6, and as illustrated in the Tables within the text in columns 4, 7, 8, 9, 10, 11, 14, 15, 16, 19, and 20) are Latin, Hebrew, and Cyrillic letters. For example, in Figure 6, the "Capslock" key includes Cyrillic letter 'ѐ' and the "Home" key includes the Latin letter 'l'. Figure 6 also includes the Hebrew letter 'א'. (See also, column 8 lines 34-68.)

With respect to claim 8, as illustrated in Figure 4, the keys or touch areas constitute flat plates.

With respect to claim 10, in column 16 lines 37-44 teaches the keyboard for use in a pocket-size computer, electronic recording card, game machine, and telephone apparatus.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (US 5,307,267) in view of Fischer (US 4,310,753). As outlined in the above rejection to claims 1-8 and 10, Yang teaches all the claimed subject matter, except for flat plates provided with a groove

Art Unit: 2854

to receive a pointer. As illustrated in Figures 2-10, Fischer teaches flat plates with grooves as recited. To one of ordinary skill in the art, at the time of the invention it would have been obvious to include the grooves of Fischer, in the plates of Yang to ensure accurate placement of fingernails and other pointed operating instruments when operating the keyboard, as taught by Fischer in column 1 line 56 to column 2 line 22.

Response to Arguments

5. Applicant's arguments filed February 06, 2004 have been fully considered but they are not persuasive. The examiner respectfully maintains that insofar as claim language is recited the Yang and Fischer references teach the claimed invention. On page two of the applicant's response, the applicant argues that Yang and Fischer teach conventionally shaped keys. However, the claim language does not distinguish between the shape of the keys taught by Yang and Fischer, and the shape of the keys in the claimed invention. For example, the claim 1 requirement for "*touch areas, wherein each of the touch areas represents a symbol from a plurality of symbols*" does not distinguish the prior art from the claimed invention. Similarly, the claim 1 requirement for "*touch areas that are arranged in a distinctive shape that incorporates one or more symbols,*" fails to distinguish the claimed apparatus from the prior art of record. As a result, the rejections of the previous office action have been repeated.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2854


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG


Daniel J. Colilla
Primary Examiner
Art Unit 2854